

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

AMELIA DE JESUS,

Plaintiff

CIVIL NO. 98-2323 (JP)

vs.

WILLIAM J. HENDERSON,

Defendant

ORDER

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 CLERK OF COURT
 U.S. DISTRICT COURT
 OLD SAN JUAN

MOTION

RULING

Date Filed: April 9, 2001.; May 4, 2001

Docket: #25.; 26

☒ **Pliffs**

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Title: Motion for Contempt.;

Defendant's Opposition to Plaintiff's
Motion for Contempt and Defendant's
Cross Motion for Costs and Sanctions.

DENIED. A complainant who seeks an Order for Contempt must prove civil contempt by "clear and convincing evidence". Langston v. Johnson, 928 F.2d 1206, 1220 (1st Cir. 1991); Project B.A.S.I.C., 947 F.2d 11, 15, (1st Cir. 1991). Further, it is long settled law that in addition to presenting clear and convincing evidence that a court order has been violated, a party seeking monetary damages for civil contempt must demonstrate that he or she has suffered damages as a result of the violation. Burke v. Guiney, 700 F.2d 767, 770 (1st Cir. 1983); Parker v. United States, 153 F.2d 66, 70 (1st Cir. 1946). Plaintiff has not demonstrated by clear and convincing evidence that Defendant is in contempt. Further Plaintiff has not set forth any specific damages as a result of Defendant's alleged contempt. Therefore, Plaintiff's Motion for Contempt, (**docket No. 25**) is hereby **DENIED**.

Date:

7/11/01

JAIME PIERAS, JR.
U.S. Senior District Judge

Rec'd:

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By:

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